

REMARKS

This is in response to the Office Action dated September 24, 2003. New claims 13-15 have been added. Thus, claims 1-6, 8-9 and 12-15 are now pending.

Claim 1 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Zhao in view of Wang. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 1 as amended requires that "the second oxide etching stop film is used as a mask when forming the opening in the first organic insulating film so that the second oxide etching stop film is *thinned* but no aperture is formed therein during the forming of the opening in the first organic insulating film." For example, see Figs. 1(c)-1(d) of the instant application where the second oxide etching stop film 6 is used as a mask when forming the opening 8 in the first organic insulating film 3 so that the second oxide etching stop film 6 is *thinned* but no aperture is formed therein during the forming of the opening in the first organic insulating film 3 (see also pg. 15, line 21 to pg. 16, line 8 of the instant specification).

The cited art fails to disclose or suggest the aforesaid quoted and underlined aspect of claim 1. Thus, even if the two references were combined (which applicant believes would be incorrect in any event), the invention of claim 1 still would not be met.

Furthermore, the alleged combination of Zhao and Wang teaches directly away from this aspect of amended claim 1, because if the processing of Wang's Figs. 6-7 was used as alleged in the Office Action then Wang in Figs. 6-7 would use resist 22 (not etch

stop 20) as the mask when forming the opening in layer 14. In particular, Wang's alleged etch stop 20 is not used as a mask when the opening is formed in layer 14, and also is not merely thinned (but not penetrated) during the forming of the opening in layer 14 as required by amended claim 1. Thus, even the alleged combination would not meet the invention of amended claim 1 in at least these two respects.

New claim 14 requires that "the second etching stop film is used as a mask when forming the opening in the first organic insulating film so that the second etching stop film is thinned but no aperture is formed therein during the forming of the opening in the first organic insulating film." Again, the cited art fails to disclose or suggest this aspect of claim 14.

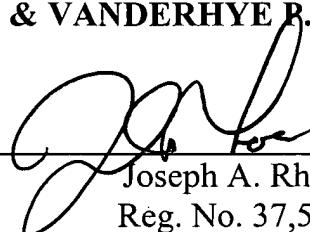
Claims 13 and 15 require that the second etching stop film is thicker than the first etching stop film immediately after the first and second etching stop films are deposited, so that during said forming of the opening in the first organic insulating film the first etching stop film is penetrated and removed in an area of the opening but the second etching stop film is thinned but no aperture is formed therein during said forming of the opening in the first organic insulating film. Again, the cited art fails to disclose or suggest these aspects of claims 13 and 15.

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

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Respectfully submitted,

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